

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

808443

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In Re:

PHILIP TOSTI
DIVINA FRANCA J DAVID



Order Filed on May 30, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-23713

Hearing Date:

Judge: KATHRYN C. FERGUSON

ORDER APPROVING LOAN MODIFICATION

The relief set forth on the following pages, numbered two (2) through two (2) is hereby **ORDERED**.

DATED: May 30, 2018


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

ORDERED, that the Movant's Motion to Approve Loan Modification is here by

GRANTED; and it is further

ORDERED, that approval and recording (if applicable) of the loan modification shall in no way constitute a violation of the automatic stay.

ORDERED, that if the pre-petition arrears are capitalized into the loan modification, secured creditor shall amend its Proof of Claim within thirty (30) days of the date of this Order. Upon receipt of an Amended Proof of Claim, the Trustee may disburse the funds being reserved pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.

ORDERED, that if post-petition arrears are capitalized into the loan modification, secured creditor shall file an amended post-petition order within thirty (30) days of the date of this Order. Upon receipt of an amended post-petition order, the Trustee may disburse the funds being reserved pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.

ORDERED, that the debtors shall file a Modified Plan and Amended Schedule J within 10 days of the entry of the within order.

ORDERED, that in the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, secured creditor shall file an amended proof of claim to reflect the arrears disbursed by the Chapter 13 Trustee prior to the loan modification effective date or zero pre-petition arrears.

ORDERED, that the Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of the loan modification and all money that would otherwise be paid to the secured creditor be held until the claim is amended or the Trustee is notified by the secured creditor that the modification was not consummated.

ORDERED, that in the event the modification is not consummated the secured creditor shall notify the Trustee and the Debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to the secured creditor.

ORDERED, that in the event the proof of claim is amended to reflect the arrears disbursed by the Chapter 13 Trustee prior to the loan modification effective date or zero pre-petition arrears, the Trustee may disburse funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.